

REMARKS-General

1. The newly drafted independent claims 21 and 23 incorporate all structural limitations of the original claim 1 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 21-24 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. The applicant respectfully deletes the "3-dimensional treatment member" in the claims.

Regarding to Rejection of Claims 1-10 and 14-20 under 35USC102

3. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

4. However, the Leach patent and the instant invention are not the same invention according to the fact that the independent claims 1 and 12 of the Leach patent does not read upon the instant invention and the independent claim 1 of the instant invention does not read upon the Leach patent too. Apparently, the instant invention, which discloses a glove comprising a glove body and a treatment member detachably fastened at the palm portion of the glove body, should not be the same invention as the Leach patent which discloses a work glove.

5. Leach fails to anticipate the distinctive features of:

(i) a treatment pad, adapted to provide a first treating action, provided at the upper side of the palm portion of the glove body ONLY for treating on the work surface, wherein the treatment pad comprises a loop fastener as a scouring layer on the palm

portion of the glove body for performing a cleaning action as the first treating action on the work surface (as claimed in claims 21 and 23);

(ii) a treatment member, adapted to perform a second treating action, comprising a fastener detachably fasten with the treatment pad to hold the treatment member at the palm portion of the glove body, wherein the treatment member is shaped and sized that the treatment member is gripped by the finger portions of the glove body to retain the treatment member at the palm portion of the glove body so as to perform the second treating action (as claim in claims 21 and 23);

(iii) the user being able **to securely grip the treatment member within the palm** of the user by using the fingers and the user is **free to use the fingers** while the treatment member is held at the palm via the treatment pad (as claimed in claims 21 and 23);

(iv) the treatment member having a hooking side forming as the fastener thereon and an opposed sponging side such that when the fastener is detachably fastened with the treatment pad, the treatment member is mounted at the palm portion of said glove body that the sponging side of the treatment member is positioned on the palm portion of the glove body for performing a cleaning action as the second treating action on the work surface (as claimed in claim 21); and

(v) the treatment member being cut into a predetermined shape and size to be securely gripped by the finger portions of the glove body so as to fit on the palm portion of the glove body (as claimed in claim 22).

6. Leach merely anticipates a work glove comprising a glove member and a plurality of pads, wherein a plurality of hook and loop fastener sections are fixedly coupled to the glove member such that the pads are releasably attaching to the palm portion and digit portions of the glove member. In other words, when the user wears the work glove of Leach, the fingers of the user are not free to move when the pads 21 are attached to the glove member 12. In addition, when the treatment member is attached to the palm portion of the glove body, the user is able to tightly grip the treatment member by his or her finger to work on the work surface while the user's fingers are free to pick up or hold the work piece without detaching the treatment member from the glove body.

Response to Rejection of Claims 11-13 under 35USC103

7. The Examiner rejected claims 11-13 over Leach in view of Borucki-Mastej. Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

8. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

9. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Leach which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Borucki-Mastej at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

10. The Examiner appears to reason that since Leach teaches that a work glove comprising a plurality of pads releasably attaching to the palm portion and digit portions of the glove member, it would have been obvious to one skilled in the art to modify the glove member integrally formed of a hook or loop fastener material to perform a rubbing action. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) (“The claimed invention must be

considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination”), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), (“The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.”) *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), (“Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, “[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.”)

11. In the present case, there is no such suggestion. Leach and Borucki-Mastej perform very different types of work glove. Borucki-Mastej, on the other hand, describes an arrangement in which a waterproof scouring glove system comprising a sheath and a hoop-and loop fastener material disposed upon the entire surface of the sheath and cavities thereof.

12. Therefore, the difference between Leach and the instant invention as claimed in claims 11 to 13 is not limited to the disclosure of “glove body”, but includes the above distinctive features (i) to (v). In addition, regarding to newly drafted claims 23 to 24, the instant invention further contains the following distinctive features:

(vi) the treatment member being made of hook fastener having a predetermined coarseness adapted to perform a rubbing action as the second treating action, such that the fastener is integrally formed as the treatment member to detachably fasten with the treatment pad (as claimed in claim 23); and

(vii) the treatment member, which is ball shaped, is sized to be securely gripped by the finger portions of the glove body so as to fit on the palm portion of the glove body (as claimed in claim 24).

13. Therefore, the user is able to grip the ball-shaped treatment member by the user's fingers while the fingers thereof are free to use without detaching the treatment member at the palm portion of the glove body.

14. In any case, even combining Leach and Borucki-Mastej would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Leach with Borucki-Mastej, as proposed by the Examiner, would not provide a glove having the above distinctive features (i) to (vii) as claimed in the instant invention.

15. Applicant believes that neither Leach nor Borucki-Mastej, separately or in combination, suggest or make any mention whatsoever of using a glove body that the user is able to securely grip the treatment member within the palm of the user by using the fingers and the user is **free to use the fingers** while the treatment member is held at the palm via the treatment pad.

16. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

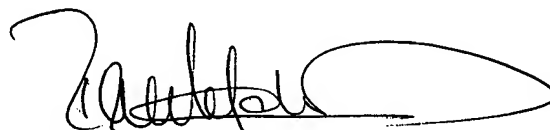
The Cited but Non-Applied References

17. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

18. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 1-20 at an early date is solicited.

19. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

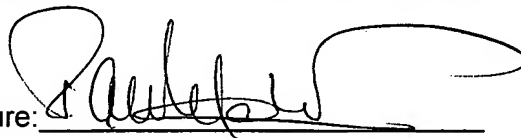


Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave.
Suite 128
Monterey Park, CA 91754
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813

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I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: December 10, 2000



Signature: _____
Person Signing: Raymond Y. Chan